HBF House, 27 Broadwall,
London SE1 9PL
info@hbf.co.uk
**hbf.co.uk**

**Chris Martin – Homes Builders Federation (HBF)**
**Oldham Local Plan Examination**
**Matters, Issues and Questions – Matter 1**

# Matter 1 – Legal and Procedural Compliance

## Issue 1: Has the Council complied with all relevant procedural and legal requirements in the preparation of the Local Plan?

**Q1.1 Annex 1 of the National Planning Policy Framework (December 2024) sets out transitional arrangements for plans that include policies to deliver the level of housing and other development set out in a preceding local plan (such as a joint local plan containing strategic policies) adopted since 12 March 2020. Places for Everyone (2022-2039) (adopted 21 March 2024) (PFE) [PW09] would constitute a 'preceding local plan' in this context; this document was examined under the 2021 Framework. As a result, does the 2021 Framework constitute the relevant previous version of the Framework for the purposes of the Oldham Local Plan examination (as per paragraph 235 of the 2024 Framework)? Are there any subsequent iterations of the Framework that would also provide context for the examination?**

1. The HBF agrees that the 2021 version of the National Planning Policy Framework (NPPF) is the correct version against which this Local Plan should be assessed.

2. However, it is necessary to be cognisant of the 2026 NPPF too given that it contains National Decision Making Policies (NDMPs) which will need to be considered when determining planning applications being brought forward through the Local Plan. Indeed, paragraph 2 in Annex A of the 2026 NPPF is clear that development plan policies (or parts of those policies) which are materially inconsistent with NDMPs should be given very limited weight.

3. Therefore, relevant development management policies contained in the Local Plan should be checked against the NDMPs so as to avoid a situation where a policy can only be given very limited weight upon adoption.

4. In relation to transitional arrangements, the 2024 version of the NPPF is also relevant.

**Q1.2. Does the Plan clearly distinguish between strategic and non-strategic policies? Are there any policies that should be identified as strategic in line with the definition set out in national policy?**

**Q1.3. Is the Plan consistent with PFE [PW09] which forms part of the Development Plan for the authority's area?**

**Q1.4. Has the Plan been prepared in accordance with policy in the Framework that seeks to ensure effective and ongoing joint working?**

**Q1.5. Has the Plan been prepared in accordance with the adopted Local Development Scheme [PW011]?**

**Q1.6. Has consultation on the plan been carried out in accordance with the Council's Statement of Community Involvement [PW010] and the requirements of the 2004 Act (as amended) and the 2012 Regulations?**

**Q1.7. Does the Integrated Assessment (IA) [SD05 to SD08] provide a comprehensive and robust basis to inform the strategy and contents of the Plan, particularly in terms of:**

**(a) its assessment of the likely effects of the plan's policies and allocations?**
**(b) its consideration of reasonable alternatives?**
**(c) its explanation of why the preferred approach and policies were selected?**
**(d) its assessment of the amount of development that would arise as a result of the provisions in the Plan?**

**Q1.8. Is the Habitats Regulations Assessment adequate and does the Plan include all the recommendations identified in the assessment as necessary to ensure compliance with the Habitats Regulations? Is it robust and convincing in its conclusion that the Plan will have no significant effects on the integrity of any European sites?**

**Q1.9. How have issues of equality been addressed in the Local Plan?**

**Q1.10. In accordance with the requirements of Section 19 of the 2004 Act, does the Plan include policies:**

**(a) to address the strategic priorities for the development and use of land in Oldham? How are these identified in the Plan?**
**(b) designed to ensure that the development and use of land in Oldham contributes to the mitigation of, and adaptation to, climate change?**

**Q1.11. Does the Plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?**

**Q1.12. Does the Policies Map [SD03 and SD04] correctly illustrate geographically the application of policies of the Plan?**

**Q1.13. Is the Plan period (2022-2039) justified, effective and consistent with national policy which requires strategic policies to look at least 15 years ahead from adoption?**

5. The Council's latest Local Development Scheme (LDS, March 2025) [PW011] envisages adoption of the Local Plan by Spring 2027, however given the age of the LDS and that there has clearly been a delay in the submission of the Local Plan for examination, the Council will need to provide an updated timetable with a revised timescale for adoption.

6. However, even on the basis of adoption in 2027, this would provide a plan period of 12 years, which is clearly short of the minimum 15 year period. Whilst it is noted that 2039 is the end of the plan period for the Places for Everyone (PfE) plan [PW09], the PfE itself outlines the potential need for the constituent local planning authorities to extend the plan periods of their local plans beyond 2039 (see paragraphs 1.56 and footnote 2). It is also noted that other PfE authorities have opted to extend their plan period on this basis (such as Bury and Salford) and it is considered that Oldham should do likewise. Doing so would allow for the Council to more effectively plan for its strategic sites and supporting infrastructure, as well as providing more certainty for developers wishing to invest in the borough.

7. Whilst it is acknowledged that the preparation of a new Local Plan must commence no later than five years after the adoption of the current plan (Policy PM2 of the 2026 NPPF), this is not a substitute for having an appropriate length of plan period at the point of adoption, rather the requirement to commence work on a new plan after five years allows a sense check of policies and rolling forward of the plan period rather than being a plan period in itself.

**Q1.14. How have made and emerging Neighbourhood Plans been taken into account and where is this evident?**

**Q1.15. Are there any other relevant legal and procedural requirements that the Plan should address?**